

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
PUBLIC MEETING AGENDA
REGULAR PUBLIC MEETING
March 22, 2012**

APPROVED 5/10/12

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:05 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a Regular Meeting of the Planning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

PRESENT: Mayor John Birkner
William Martin (8:06pm)
Thomas Constantine
Richard Bonsignore
Philip Cerruti
Daniel Olivier
Councilwoman Ingrid Quinn
Jaymee Hodges, Chairman
Ann Costello (Alt. #1)
Keith Doell (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
By Steven Paul, Esq.
Ed Snieckus, Burgis Associates, Board Planner
Louis Raimondi, Brooker Engineering,
Board Engineer

ABSENT: James Schluter, Vice-Chairman (excused absence)

William Martin and Dan Olivier stated they listened to the tape of the 3/8/12 meeting and signed a Certification.

(WWPB 3/22/12)

4. MINUTES: The **Minutes of 2/23/12 and 3/8/12** were approved on motions made, seconded and carried.

5. CORRESPONDENCE:

1. Memo from Karen Hughes, Borough Clerk, dated 2/4/12 RE: Emails Usage by Board Members. Per the Open Public Records Act (OPRA) emails by Board Members are public records and should be run through the Board's official email address so the Borough has a copy. Mayor Birkner noted email addresses are the person's "first initial and last name@westwoodnj.gov".

2. Memo from Armand Marini, Zoning Officer, dated 3/15/12, RE: Holiday Window Painting. Mr. Snieckus would address this at the next meeting.

6. RESOLUTIONS:

1. Lipkin Properties, LLC - 345 Old Hook Road, Block 2103, Lot 2 - Realtors Gary Mascolo, Coldwell Banker Real Estate, present for Mr. Lipkin, and Bob Calleo, present for the landlord, were notified as to a pending escrow deficiency. Chairman Hodges advised the Resolution would be held in the Building Department pending receipt of the escrow fees owed by applicant.

Board Attorney Steven Paul read the Resolution into the record. On discussion, Chairman Hodges questioned whether Paragraph 7 on Page 11 was descriptive enough. The words "on northwest corner" were removed. Mr. Snieckus clarified Paragraph 12 on Page 11 should read two "wall" signs. It was added. Mr. Raimondi noted they did not received revised plans. Chairman Hodges advised they will not issue a permit or release the Resolution unless the final revised plan is received and reviewed. There were no further questions, comments or discussions.

A motion for approval was made by Mr. Cerruti and seconded by Mayor Birkner. There were no further questions, comments or discussions. On roll call vote, Mayor Birkner, Mr. Cerruti, Mr. Olivier, Mr. Bonsignore, Ms. Costello, Mr. Doell, and Chairman Hodges voted yes. Councilwoman Quinn, Mr. Martin, Mr. Constantine were not eligible to vote. (James Schluter recused)

7. PENDING NEW BUSINESS: None

(WWPB 3/22/12)

8. VOUCHERS: a motion for approval of Vouchers totaling \$4,806.25 was made by Mr. Bonsignore, seconded by Mr. Doell and carried unanimously.

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in

1. 701 Broadway, Block 701, Lot 1 - Ruth Risan, Owner - Tenancy Review - Nonpareil Group C/O Marisol Rossi, d/b/a Glow 701 - Nancy Saccente, Esq. represented the applicant as a proposed tenant at 701 Broadway, for units 1A, 1B and 4, as shown on the floor plan submitted, for operation of a party planning business, which includes office space for arranging off-premises children's parties, as well as a facility for conducting on-premises children's parties. The business also rents equipment for the parties, such as tables and chairs. The use is permitted. There would be no food on the premises and proposed interior alterations include lighting, flooring and décor.

Ms. Saccente continued. Mr. Marini technically denied the occupancy, stating that it was an approved use, but since it was a multi-tenanted building, he wanted the Board to approve the use, to make sure it was an acceptable use for this location. Therefore, they filled out an application explaining the proposed use and were present for questions, asking for the Board to approve this so they can go ahead with their minor renovations and occupancy. This tenant is taking over the auto parts store that went out of business due to the economy. Mr. Martin commented Mr. Marini's 2/3/12 letter approved the use, but sent it to the Board for parking and questioned whether there was a variance. Ms. Saccente stated she expected the Board to hear the application as it had in the past in 2009, as basically a CCO application, where the use is approved, the space is open and available, and the Zoning Official does not make a decision, but sends it to the Planning Board to approve it as a suitable use. The auto parts store required more parking than this present use proposed. In other words, this use is less intense. Mr. Snieckus commented finding out whether or not the new use requires more parking than the prior uses for the same spaces is essential. Ms. Saccente noted this is the largest space remaining in the building. They would offer testimony from the applicant.

(WWPB 3/22/12)

Marisol Rossi, owner of Nonpareil Group d/b/a Glow, was sworn in and described her use as a party facility for children for arts and crafts, gymnastics and games, such as portable basketball, as well as music and dance instruction. The children would be dropped off and picked up. She also does planning for off-site parties, and there would be no food prepared. Each party would be no longer than two hours, mostly during the weekends and some during the week. Ms. Saccente reiterated this would be a less intensive use than the prior use.

Questions by the Board followed. Mr. Cerruti asked about the hours. Ms. Rossi responded all parties would end by 9pm. During the week they could start at 2pm and on the weekends 10am. The parties last about two hours. Ms. Costello asked for the number of children, and the response was a minimum of 10 and a maximum of 15. Mr. Martin asked about the utilization of the space, as it is an awfully large space for a small amount of people. Ms. Rossi responded it would be partly for games, partly for her office and some storage. They will be playing challenging games, running back and forth.

The architectural plan by jon Fellgraff, dated 3/5/12 was marked as an exhibit. Mr. Martin was concerned about parking and asked for more information as to how she would use the space itself. Ms. Rossi responded there would be many games, arts and crafts and storage. She would section the storage area off with drapes. Mr. Martin reviewed the other tenants. Two spaces were empty. Mr. Martin asked for an updated drawing reflecting current conditions with all the tenants listed, with clear delineation of what tenant is in which space. Mr. Raimondi noted the architect superimposed the parking lot on the plan covering part of it. That could be put separately on another plan.

Board comments followed. Mr. Martin commented the Board needs to see the entire building on an accurate document each time you come in for a new tenant. Mr. Bonsignore commented the Board should see the plans in a worksession prior to coming to a public meeting, so the Board can make comments. Chairman Hodges commented Mr. Fellgraff would have to amend the plan. Mr. Raimondi, noting Ms. Saccente indicated all occupants of the building moved out after the flood and then moved back in, stated we do not know what current the parking situation is. We should get an updated list. Mr. Martin commented a same tenancy application is not required to be reviewed by this Board.

(WWPB 3/22/12)

Chairman Hodges commented we need to confirm it is not overly intensified.

Mr. Snieckus asked for the square footage of the auto parts store, and Ms. Saccente stated it is exactly the same. She would put it on the plan, per Mr. Snieckus and add the number of parking spaces allocated to each tenant, per Mr. Raimondi. Mr. Constantine asked for the number of party guests and approximate number of cars, noting there could be ten if parents stay. Ms. Rossi explained there would be one party at a time, a maximum of 15 children. Food would be brought from outside into one of the rooms to eat in, then the children would move on to the main space for the party activities. She is a party planner, and this is her first children's party location.

A question arose about the lighting, and any painting. Mr. Risman noted it is being painted now because of the flood. Applicant would also like a sign conforming to the code requirements. Each tenant presently has one, approved by the Building Department. Councilwoman Quinn asked what age group she was looking to target. Ms. Rossi responded between the ages of 4 and 14. Councilwoman Quinn noted the kids in car seats would take longer to disembark, and this use was different than an auto parts store. Ms. Rossi said there is also parking in front of the building and when she has a party for 4 year olds, yes it will take longer for them to come in than 14 year olds. Ms. Saccente explained this is a much different type of parking requirement than the auto parts store that received deliveries. This is just drop off. Mr. Bonsignore asked if they are renting any equipment, as stated in the application. Ms. Rossi responded yes, but she would have everything on site. Signs on the top of the building were discussed. Mr. Risman stated they are complying with this issue same as imposed by the Board from the last time they were before the Board for an application. It was noted Mr. Risman has appeared before the Board on many occasions and was sworn in many times.

The matter was about to be carried to the 4/12/12 meeting. Ms. Saccente asked if they had their submitted and reviewed, would they be able to vote that evening. The Chairman said it is a worksession, but we have a light agenda so we can hear it. Ms. Saccente asked if the Board could vote on it tonight, subject to receipt of revised plans. Mr. Martin asked, and Mr.

(WWPB 3/22/12)

Snieckus and Ms. Saccente advised this is just a tenancy review with no notice requirements. The Board agreed to go to a vote.

A motion for approval was made by Mr. Martin to approve the tenancy and for a Resolution, and that it be consistent with the previous site plan approval and does not appear to be more intense in any way that would cause a parking issue on the property, and subject to providing a breakdown of square footage and a more accurate layout of the tenant spaces in the building. The motion was seconded by Mr. Cerruti. There was an additional condition recommended by Mr. Olivier and approved by the Board to post escrow for the Board Attorney for the Resolution. The condition was accepted. There were no further questions, comments or discussions. On roll call vote, Mayor Birkner, Mr. Martin, Mr. Constantine, Mr. Cerruti, Mr. Olivier, Ms. Costello, and Chairman Hodges voted yes. Councilwoman Quinn and Mr. Bonsignore voted no.

10. DISCUSSIONS:

1. Presentation of Draft Zoning Ordinance Amendments (3-20-12 & 3-20-12R) to Sections of Article XIV, Chapter 195, - by Ed Snieckus, Burgis Associates:

Ed Snieckus distributed, reviewed and discussed the proposed Draft Ordinances Amending the Zoning Ordinance as follows with Board commentary:

(1) Draft Ordinance 3-20-12R - Amending Sections:

195-42 entitled "Definitions" - Gourmet/Specialty Food Store definition amended;

195-107 entitled "Zoning Map" - Adding Block 909, Lots 3, 4 & 5

195-118 entitled "CBD/SPE Central Business District/Special Pedestrian Environment Zone District" - amending, adding and prohibiting uses; and

195-119 entitled "CBD Central Business District" - amending, adding and prohibiting uses;

(2) Draft Ordinance 3-20-12R - Amending Sections:

195-167 entitled "Definitions" - Outdoor Café definition amended
There was a question raised as to consuming wine during outdoor dining. Discussion followed. It was agreed they would strike that prohibition from the ordinance; and

195-168 entitled "Regulations" - Amending requirements for Outdoor Dining;

(WWPB 3/22/12)

195-170 entitled "Review of application; issuance of permit; inspections" - Permits to be updated yearly;

(3) Draft Ordinance 3-20-12 Amending Sections:

195-117 entitled "CO Central Office District" - Adding to existing uses; and

195-127 entitled "O Office District" - Adding to existing uses

(4) Draft Ordinance 3-20-12 - Amending Sections:

195-156 entitled "Permanent Signs" - Amending and adding sections; and

195-157 entitled "Lighting and Illumination" - Amending and adding sections;

This draft ordinance is to be further discussed. Mr. Snieckus to provide a revised draft at next meeting per discussions.

Mr. Snieckus would come back with some corrections on the Sign Ordinance. He would also address Holiday Window Painting in the CBD/SPE Zone per Mr. Marini's Memo.

The Board could vote now on the three Draft Ordinances: Gourmet/Specialty Foods Ordinance, Outdoor Café and O/CO Districts. A motion for approval to accept these three Ordinances as amended and recommend them to the Governing Body for consideration was made by Mr. Cerruti and seconded by Ms. Costello. On roll call vote, all members voted yes.

Chairman Hodges announced all Board Members and Professionals should complete and return their **Financial Disclosure Forms** as soon as possible.

Prior to adjourning Mr. Bonsignore asked to express his opinion and commented this Board has always acted in a formal manner and acted informally in the matter of 701 Broadway. The Board has a worksession meeting when these matters are reviewed and then heard in public session. Tonight we should have treated this more strongly than we did. We should stress to Mr. Marini that the Board should have a chance to review these applications without testimony. Chairman Hodges advised he would review these issues with him. The comments were taken under advisement. We do not review change of tenancies as we did in the past, Mr. Martin commented, and to go back to that could cause delays and

(WWPB 3/22/12)

potential hardship to the Borough and landlords as it has in the past. Mr. Bonsignore agreed, but felt the 701 application was a parking issue. A brief discussion followed. There were no further questions, comments or discussions. The Chairman called for an adjournment.

12. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 10:40 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Planning Board Secretary